

The law says.....

Family
News
1-7-02

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For people trying to adopt a child from Pakistan and taking him/her to a foreign country, the first thing to understand is that there is no real provision for adoption in the country. The best thing to do is to obtain legal custody of a child under Pakistan's Legal Guardian and Wards Act of

adoption is a major problem for Muslims in Pakistan. Most of the sources on adoption procedures in the country advise that those people trying to adopt a Pakistani child and taking the child to some other country should first contact the required authorities in their own country and then proceed. Another advice to follow is that the parents-to-be should make sure that they have some idea of their adopted child's birth, his abandonment etc. This is to make sure that no one will turn up later on to claim the child.

For legal custody cases, the basic procedure involves hiring a lawyer to file a court petition to get a Pakistani passport for the child. The case should go on smoothly. If there is no legal claim after a certain amount of time, the child is placed under the custody of an individual. This individual is always a man in case of a married couple. Most lawyers when asked say that the hearings take as long as 3-6 months to complete. "We tried to adopt a child from our own homeland, but when we saw the complication in the procedures,

would have remained a Pakistani national until the adoption had been legally recognised in the United States. The couple was further told that to get the child to America they had to file form 1-600A with the Immigration Service in the US. After this, the office might want to investigate the validity of the child's orphaned state and then finally, the child is legally adopted.

"It is not that easy to adopt a child from Pakistan, or from any place but the small hassles you go through over here are enough to discourage you," says Mrs Saeed. The Saeeds finally settled on adopting a Muslim child from USA. "It was all so professional," they say. Although people believe that international adoption of Pakistani children is not that common, the truth is that there are many children being given up by parents too poor to afford them and a couple from abroad is willing to pay more. One such couple said that while they knew that they were 'literally buying the child', they found that it was the easy way out. The child's birth mother is a 35-year-old mother of seven children and for her giving up her seventh child meant one mouth less at dinner time and maybe a better future for her daughter.



Illustration by Khalid

1890, Article No-VIII, Section-7. The legal adoption procedures would then be shifted to the adoptive parent's country. If the adoptive parents-to-be are non-Muslims, the search becomes easier. The main idea behind this is that in Pakistan the legal custody of the child is basically the determinant of his guardians or 'parents'.

Muslim law does not have the same concept of legally changing the actual parentage of the child as the western concept upholds. This is one of the reasons that

we decided against it," say Mr and Mrs Saeed. This is the most common complaint by most adoptive parents and what happens in the end is either illegal immigration of a child to the foreign country or the adoption of a child from the same country.

Mr and Mrs Saeed might have felt that the system was too complicated but it is also very thorough. For them, taking their adopted child to USA meant that they had to get the child a Pakistani passport. The child

With the prostitution, an all time high in almost all the countries, there is no guarantee what sort of people adopt these children and what really happens after these illegal adoptions take place. Pakistan's Islamic law may not recognise adoption but the fact is that it does take place. To make sure that the people who adopt the children are in no way going to harm them, the state needs to re-think its adoption procedures and make them more accessible to people.